

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7786 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements? No
2. To be referred to the Reporter or not? No :
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement? No
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No :

AJITSINGH JETHUBHA

Versus

STATE OF GUJARAT

Appearance:

MR PH PATHAK for Petitioners

Mr.R.C.Kodekar, A.G.P. for Respondent No. 1

MR SP HASURKAR for Respondent No. 2

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 10/08/1999

ORAL JUDGEMENT

1. Since notices of this writ petition had been served upon the respondents and the parties have exchanged their affidavits it is proposed to dispose of this writ petition finally at the admission stage.

2. In short the grievances of the six workmen who

are members of the petitioner No.2, namely, (i) Ajitsinh Jethubha, (ii) Narshi Gordhan, (iii) Babu Gova, (iv) Nathubha Bhikhubha, (v) Kirtisinh Meruji and (vi) Satubha Maghaji is that Award was given in Reference No.IT 386/88 between the Chief Conservator of Forest, Gujarat Circle, Vadodara and the workmen employed under it on 11.5.1992 and because these six persons also belong to the same department they have challenged the said award in this Court, but the said challenge remained unsuccessful. The said award was also challenged before the Apex Court where too the respondents remained unsuccessful. The contention, therefore, is that the award dated 11.5.1992 having been made final by the order of the Apex Court, the six persons are entitled to the benefit given under the Award. The chart Annexure : B has been given showing that these persons have completed required number of days i.e. more than 240 days continuous service and also more than four years service preceeding 1.1.1989 as well as 960 days in the aggregate preceeding 1.1.1989.

3. Additional Counter Affidavit has been filed today along with Annexure : A which also confirms that these six persons have completed 930 to 3038 days of service under various departments. It has, therefore, been contended that now there is no dispute that these six persons have not completed 960 days in aggregate.

4. Learned A.G.P., on the other hand, contends that the cases of the petitioners are distinguishable inasmuch as Resolution dated 17.10.1988 cannot be treated as an Award so far as Forest Department is concerned. This contention cannot be accepted. I have gone through the Award dated 11.5.1992. It was not the basis of Government Resolution dated 17.10.1988. It is also significant to mention that these six persons are not claiming benefit under the Government Resolution dated 17.10.1988. On the other hand they are claiming the benefit under Award dated 11.5.1992. Consequently distinction suggested by the learned A.G.P. cannot be accepted. There does not seem to be any reason why these six persons should be denied of the benefits claimed under Award dated 11.5.1992. Long interval has lapsed and these six persons have not been granted benefits of that Award.

5. The writ petition is therefore allowed. The respondents are directed to grant all the benefits to these six persons emerging from the Award dated 11.5.1992 within a period of two months from today. The petition is accordingly disposed of with no order as to costs.

sd/-

Date : August 10, 1999 (D. C. Srivastava, J.)

sas